

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,
Plaintiff,

v.

ESTATE OF ARMAND L. GREENHALL, PENG
YAN, individually and as Personal Representative of
the Estate of Armand L. Greenhall, and DEIDRE
SWEENEY, as Personal Representative of the Estate
of Armand L. Greenhall,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05048 (CGM)

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ESTATE OF ARMAND L. GREENHALL, PENG
YAN, individually and as Personal Representative of
the Estate of Armand L. Greenhall, and DEIDRE
SWEENEY, as Personal Representative of the Estate
of Armand L. Greenhall,

Defendants.

Adv. Pro. No. 12-01709 (CGM)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDINGS WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and the Estate of Armand L. Greenhall (“Estate”), Peng Yan (“Yan”), individually and as Personal Representative of the Estate, and Deidre Sweeney, as Personal Representative of the Estate (“Sweeney”, and collectively referred to as “Defendants”), by and through their counsel, Brian Neville, Lax & Neville, LLP, and Joseph Keenan, Law Office of Joseph Keenan (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint in Adversary Proceeding Number 10-05048 and on June 8, 2012, the Trustee filed and served the Complaint in Adversary Proceeding Number 12-01709 (collectively referred to as the “Complaints”). On August 16, 2012, the Complaints were consolidated into Adversary Proceeding Number 10-05048 (the “Complaint”).

2. On December 14, 2011, Sweeney filed and served her Answer.

3. On September 18, 2015, the Estate and Yan filed and served their Answer.

4. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on April 28, 2021.

5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to dismiss the Trustee's claims against Defendants in the above-captioned adversary proceedings and to dismiss the adversary proceedings without prejudice, subject to the right of the Trustee to move *ex parte* to re-open these adversary proceedings in the event of an uncured default under the terms of the Settlement Agreement.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

8. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

Date: May 26, 2021
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 of Bernard L. Madoff*

Of Counsel:

BAKER & HOSTETLER LLP
811 Main Street, Suite 1100
Houston, Texas 77002-6111
Telephone: (713) 751-1600
Facsimile: (713) 751-1717
Dean D. Hunt
Email: dhunt@bakerlaw.com
Farrell A. Hochmuth
Email: fhochmuth@bakerlaw.com

LAW OFFICE OF JOSEPH F. KEENAN

By: /s/ Joseph F. Keenan
114-04 Beach Channel Drive
Rockaway Park, NY 11694
Telephone (718) 747-8850
Joseph Keenan
Email: jfkeenan@joekeenanlaw.com

Attorneys for Defendants Estate of Armand L. Greenhall and Deidre Sweeney, as Executor of the Estate of Armand L. Greenhall

LAX & NEVILLE

By: /s/ Brian Neville
350 Fifth Ave., Suite 4640
New York, NY 10118
Telephone: (212) 696-1999
Facsimile: (212) 566-4531
Brian Neville
Email: BNeville@laxnevile.com
Steven Davis
Email: SDavis@laxnevile.com

*Attorneys for Defendant Peng Yan,
Individually and as Executor of the Estate of
Armand L. Greenhall*

SO ORDERED:

Dated: May 28, 2021
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge